

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

In Re: Angela Ann Thornhill	Case Number 20-40012-CJP Chapter 7
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**MOTION OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN
INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE
FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2007-2, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-2 AND/OR ITS SUCCESSORS AND
ASSIGNS FOR RELIEF FROM THE AUTOMATIC STAY**

Now comes U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee for First Franklin Mortgage Loan Trust 2007-2, Mortgage Pass-Through Certificates, Series 2007-2 and/or its successors and assigns (“Secured Creditor”) and hereby moves this Court pursuant to 11 U.S.C. § 362 and Fed. R. Bankr. R. 4001 for Relief from the Automatic Stay so as to permit it to enforce any and all applicable rights and remedies against Angela Ann Thornhill (a/k/a Angela A. Thornhill) (hereinafter referred to as the “Debtor”) including, but not limited to, a foreclosure sale on certain mortgaged property which is located at *38-40 Tenth Avenue, Unit No. 38 a/k/a Unit No. 1, Haverhill, MA 01830* (the “Property”) and consists of a lot of land with residence thereon.

In support of this Motion, Secured Creditor states the following:

1. The Debtor’s Chapter 7 Petition was filed on January 6, 2020.
2. This mortgage was originally given by the Debtor to Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for First Franklin Financial Corporation, an Op. Sub. of MLB&T Co., FSB (the “Mortgage”). Said Mortgage is dated February 21, 2007 and is recorded in Essex County (Southern District) Registry of Deeds in Book 26587, Page 563 (the “Mortgage”). A copy of the Mortgage is attached hereto and is marked Exhibit A. Secured Creditor is the current holder of the Mortgage.
3. Said Mortgage secures a promissory note given by the Debtor to First Franklin Financial Corporation, an Op. Sub. of MLB&T Co., FSB in the original principal amount of \$223,155.00 (the “Note”). Secured Creditor or its custodian and/or agent is, as of the date hereof, in possession of the Note. Secured Creditor is an entity entitled to enforce the Note. A copy of the Note is attached hereto and is marked Exhibit B.

4. As stated above, the Mortgage was originally given to Mortgage Electronic Registration Systems, Inc., acting solely as a nominee for First Franklin Financial Corporation, an Op. Sub. of MLB&T Co., FSB and was thereafter assigned to LaSalle Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-2. A copy of said assignment is attached hereto as Exhibit C. The Mortgage was then further assigned from Bank of America, N.A. Successor by Merger to LaSalle Bank National Association as Trustee for Merrill Lynch First Franklin Mortgage Loan Trust 2007-2, Mortgage Loan Asset-Backed Certificates, Series 2007-2 to Secured Creditor. A copy of said assignment is attached hereto as Exhibit D. Nationstar Mortgage LLC d/b/a Mr. Cooper is the current servicer for this loan on behalf of Secured Creditor.

5. The amount owed on the Mortgage is approximately \$339,682.95 including principal, interest (through January 14, 2020), late fees, and attorney fees and costs. The monthly payments are currently \$1,274.20 and this Mortgage is now in arrears for failure to pay principal and interest. Mortgage payments are presently due for November 1, 2014 through and including January 1, 2020.

6. Upon information and belief, a Declaration of Homestead has not been recorded with respect to the Property.

7. Upon information and belief, the Property is subject to the following encumbrances:

Lien Holder	Type of Lien	Amount Owed	Priority
Secured Creditor	1 st Mortgage	\$339,682.95	n/a

Total: \$339,682.95

8. According to the Assessor's Records for the City of Haverhill, MA, the approximate fair market value of the Property is \$208,200.00. For purposes of this Motion only, it is Secured Creditor's opinion that the liquidation value of the premises is \$194,258.61 calculated as the fair market value less a reasonable realtor's fee (6%); deed stamps (\$949.39); and anticipated closing costs incurred for a real estate closing (\$500.00).

9. Secured Creditor believes that the Debtor has no equity in the Property based on the amount currently due Secured Creditor as described above totaling approximately \$339,682.95 and the liquidation value of the Property.

10. There is no other collateral securing Debtor's obligation to Secured Creditor.

11. This Motion is brought for cause under 11 U.S.C. § 362 given that, among other things, any protection Secured Creditor may have is quickly eroding, there is no equity in the Property and the Property is not necessary to an effective reorganization. Accordingly, Secured Creditor requests that this Court grant relief from the automatic stay in order to proceed with its applicable rights and remedies, including but not limited to a foreclosure sale on the premises and an eviction proceeding should Secured Creditor, or its successor in interest, become the successful bidder at a foreclosure sale. Attached are redacted copies of any documents that support this Motion, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

12. Secured Creditor further seeks relief in order to, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. Secured Creditor also requests that it be allowed to contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

WHEREFORE, Secured Creditor respectfully requests that the Court:

(1) Grant Secured Creditor and its successors and/or assigns relief from the 11 U.S.C. § 362 automatic stay for the purpose of exercising its various non-bankruptcy rights and remedies including and without limitation:

- a. Taking possession of the Property, obtaining a deed-in-lieu of foreclosure and/or foreclosing the Mortgage at issue; and
- b. Taking such action as may be necessary to evict the Debtor and/or any occupant from the Property.

(2) Waive the fourteen-day stay of relief pursuant to Federal Bankruptcy Rule 4001(a)(3); and

(3) Order such further relief as this Court deems just and proper.

In accordance with Local Rules, Secured Creditor requests that this Motion be allowed without a hearing unless an objection is timely filed.

[SIGNATURE ON NEXT PAGE]

Dated: January 23, 2020

Respectfully submitted,
U.S. Bank National Association, as Trustee,
Successor in Interest to Bank of America, National
Association, as Trustee, Successor by Merger to
LaSalle Bank National Association, as Trustee for
First Franklin Mortgage Loan Trust 2007-2,
Mortgage Pass-Through Certificates, Series 2007-2
By its attorney,

/s/ Marcus Pratt
Marcus Pratt, Esquire
BBO #684610
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
Lowell, MA 01851
Tel: (978) 256-1500
bankruptcy@kordeassociates.com

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION**

In Re: Angela Ann Thornhill	Case Number 20-40012-CJP Chapter 7
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**ORDER ON THE MOTION OF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE,
SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR FIRST FRANKLIN MORTGAGE LOAN TRUST 2007-2, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-2 AND/OR ITS SUCCESSORS
AND ASSIGNS FOR RELIEF FROM THE AUTOMATIC STAY**

At Worcester in said District, on the _____ day of _____, 2020, on the Motion of U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee for First Franklin Mortgage Loan Trust 2007-2, Mortgage Pass-Through Certificates, Series 2007-2 and/or its successors and assigns ("Secured Creditor") after notice to all parties on the Secured Creditor's Certificate of Service, it is hereby

ORDERED AND DECREED:

1. Secured Creditor is granted Relief from the Automatic Stay imposed pursuant to 11 U.S.C. § 362(a) on the filing of the Petition for Relief.
2. Secured Creditor and any successor in interest is permitted to proceed forward to pursue its rights and remedies under state and/or federal law, including but not limited to a foreclosure of the mortgage it holds on real estate located at *38-40 Tenth Avenue, Unit No. 38 a/k/a Unit No. 1, Haverhill, MA 01830*, which mortgage is dated February 21, 2007 and recorded in Essex County (Southern District) Registry of Deeds in Book 26587, Page 563 (the "Mortgage"). A copy of such mortgage was attached to the Motion for Relief at issue. Further, Secured Creditor is authorized to proceed with its eviction rights in accordance within applicable law with respect to such Property should Secured Creditor, or its successor in interest, become the successful bidder at a foreclosure sale.
3. Secured Creditor and/or its successors, assigns, and servicer may, at its option offer, provide and enter into a potential forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement. Secured Creditor may contact the Debtor via telephone or written correspondence to offer such an agreement. Any such agreement shall be non-recourse unless included in a reaffirmation agreement.

Honorable Judge Panos
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
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In Re: Angela Ann Thornhill	Case Number 20-40012-CJP Chapter 7
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CERTIFICATE OF SERVICE

I, Marcus Pratt, Attorney for **U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association, as Trustee, Successor by Merger to LaSalle Bank National Association, as Trustee for First Franklin Mortgage Loan Trust 2007-2, Mortgage Pass-Through Certificates, Series 2007-2 and/or its successors and assigns** hereby certify that on January 23, 2020 I electronically filed the foregoing *Motion for Relief and Proposed Order* with the United States Bankruptcy Court for the District of MA using the CM/ECF System. I served the forgoing documents on the following CM/ECF participants:

Richard King, Assistant U.S. Trustee
Janice G. Marsh, Trustee
Todd S. Dion, Esquire

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non-CM/ECF participants:

Angela A. Thornhill
38-40 Tenth Avenue
Haverhill, MA 01830

Tax Collector:
City of Haverhill
4 Summer Street
Haverhill, MA 01830

Angela A. Thornhill
38-40 Tenth Avenue
Unit No. 38 a/k/a Unit No. 1
Haverhill, MA 01830

/s/ Marcus Pratt
Marcus Pratt, Esquire
BBO #684610
Korde & Associates, P.C.
900 Chelmsford Street, Suite 3102
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bankruptcy@kordeassociates.com